

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENGAMIN RAY YELLOW OWL,

Defendant.

CR-17-32-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 3, 2025. (Doc. 66.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 27, 2025 (Doc. 61.)

The United States accused Bengamin Yellow Owl (Yellow Owl) of violating the conditions of his supervised release by: (1) using methamphetamine on or about March 24, 2025; (2) failing to report for sex offender treatment on April 16, 2025; (3) failing to comply with substance abuse treatment requirements on April 16,

2025; (4) failing to report for sex offender treatment on April 23, 2025; (5) failing to comply with substance abuse treatment requirements on April 23, 2025; and (6) failing to comply with substance abuse testing requirements by failing to report to the probation office to have a sweat patch removed on April 23, 2025. (Doc. 58.)

At the revocation hearing, Yellow Owl admitted he had violated the conditions of his supervised (1) using methamphetamine on or about March 24, 2025; (3) failing to comply with substance abuse treatment requirements on April 16, 2025; (4) failing to report for sex offender treatment on April 23, 2025; (5) failing to comply with substance abuse treatment requirements on April 23, 2025; and (6) failing to comply with substance abuse testing requirements by failing to report to the probation office to have a sweat patch removed on April 23, 2025. The Government moved to dismiss allegation (2), which the Court granted. (Doc. 61.)

Judge Johnston found that the violations Yellow Owl admitted prove serious and warrants revocation of his supervised release and recommends a term of custody of 6 months on Count 2, with 51 months of supervised release to follow and to a term of custody of 6 months on County 3, with 51 months of supervised release to follow, with both the custodial and supervised release terms to run concurrently. During the term of his supervised release, Yellow Owl shall be placed at Hope Ministries as directed by his probation officer. (Doc. 66.) The

Court advised Yellow Owl of his right to appeal and to allocute before the undersigned. (Doc. 61.)

The violation proves serious and warrants revocation of Yellow Owl's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 66) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Benjamin Ray Yellow Owl be sentenced to a term of custody of 6 months on Count 2, with 51 months of supervised release to follow and to a term of custody of 6 months on County 3, with 51 months of supervised release to follow, with both the custodial and supervised release terms to run concurrently. During the term of his supervised release, Yellow Owl shall by placed at Hope Ministries as directed by his probation officer.

DATED this 18th day of June 2025.



Brian Morris, Chief District Judge
United States District Courts